

PROGRAMMATIC ENDANGERED SPECIES ACT CONSULTATION

**Tideland Markers
List of Requirements**

Version: February 12, 2020

Programmatic Endangered Species Act (ESA) Consultations [U.S. Fish and Wildlife Service (USFWS) reference number 01EWF00-2015-I-0104, National Marine Fisheries Service (NMFS) reference number WCR-2005-07506] have been completed for the activities listed below. If you can design your project to meet all or most of the requirements of the Programmatic Biological Evaluation as summarized on this List below, then the U.S. Army Corps of Engineers' (Corps) ESA review of your permit application will be expedited and streamlined. The submittal of this List to the Corps is not required. However, to further expedite your review, you may include a description of how you meet these requirements in your permit application materials.

	Programmatic ESA Requirements
	1. Work will be performed within the approved work windows for listed species and forage fish. The action shall only occur within the approved work window for a single and complete project. These work windows are located on the Corps website at www.nws.usace.army.mil . Select Regulatory Branch, Permit Information, Permit Guidebook, Chapter X. Work Windows.
	2. Work is limited to the placement of tideland markers, either by a single pile or buoys. The purpose is typically to designate public tidelands, vegetated areas, or shellfish harvesting closures.
	3. Work will occur only in marine/estuarine waters.
	4. All natural habitat complexity features will be retained. Moved downed wood will be returned to its previous location upon completion of the work.
	5. Tideland marker buoys will be placed by hand at low tide or from a small boat at a maximum depth of 6 feet at high water.
	6. Buoys and anchors will not be located over or within 25 feet of spawning habitat for listed, proposed, or forage fish species.
	7. Buoys will be anchored securely and anchors will be installed so that the anchor lines do not drag or scour.
	8. Anchor will be helical screw, or if substrate is too hard, a fully-cured concrete container or structure will be used to secure tideland markers.
	9. No new piling will be placed in freshwater. In marine or estuary waters, excluding the mouth of the Columbia River, piling placement will be limited to one new pile.
	10. If using steel piling, only vibratory installation with no proofing is allowed under this programmatic. Vibratory or impact installation of timber, concrete, plastic, or other non-metal piles is allowed.
	11. Following completion of pile driving, the permittee will provide the following information to U.S. Fish and Wildlife Service (USFWS) (510 Desmond Drive SE, Suite 102, Lacey, Washington, 98503-1292), referencing the Corps permit number and permittee's names as indicated on the permit: 1) actual dates and duration of pile driving; and 2) average number of piles installed per day and strikes per pile.

	Programmatic ESA Requirements
	12. All pile driving will occur during daylight hours only and work will occur between 2 hours after sunrise and 2 hours before sunset during marbled murrelet nesting season (April 1 to September 15).
	13. If using wood piling, the only treatment allowed will be ACZA and treatment must comply with the Western Wood Preservers Institute Best Management Practices. Design measures will prevent abrasion of the treated wood and reduce the potential for the release of contaminants into the aquatic environment. No coal-tar treated steel piles will be used.
	14. Treated wood piling associated with floats will incorporate design features to minimize contact between the treated wood and the float(s) or attachments to the float(s) during all water levels.

	General Conditions (as applicable)
	G1. No new access roads, routes, or trails will be included as part of the proposed action.
	G2. Any fill material (e.g., sand, gravel, and rock) will be washed and cleaned prior to being brought to the site.
	G3. All fill material will be obtained from a commercial source that is operating in compliance with the Endangered Species Act.
	G4. No stockpiling or staging of material will occur waterward of the Ordinary High Water Mark (OHWM) or High Tide Line.
	G5. No trenching will occur through any water of the U.S. (i.e., for electrical cables).
	G6. No work will be performed and structures and fill materials will not be placed in or adjacent to vegetated shallows (e.g. eelgrass; except where such vegetation is limited to State-designated noxious weeds), wetlands, special aquatic sites, or suitable forage fish spawning habitat.
	G7. Barges will not be used within 25 feet and material will not be placed in or on vegetated shallows (e.g. eelgrass; except where such vegetation is limited to State-designated noxious weeds) or other special aquatic sites.
	G8. If a barge is used to deliver material, the barge or other structures shall not ground out on the bottom.
	G9. The bottom of any structure, vessel, watercraft grid or watercraft lift will be at least 1 foot above the level of the substrate during all water levels.
	G10. All equipment that will operate over water or waterward of the OHWM or High Tide Line will be cleaned of accumulated grease, oil, or mud. All leaks will be repaired prior to arriving on site. Equipment will be inspected daily for leaks, accumulations of grease, etc., and any identified problems will be fixed before operating over water or below the OHWM or High Tide Line.
	G11. No solvents or other chemicals will be used in or over the water during the construction or operation of the proposed action.
	G12. No waste material, including material associated with treated wood decks, will enter the waterbody.

	General Conditions (as applicable)
	G13. All waste material and construction debris will be collected and disposed of at an approved facility that is in compliance with the Endangered Species Act.
	G14. Any leftover construction materials will be collected and disposed of off-site.
	G15. All floating debris generated during construction will be retrieved, removed, and disposed of at an approved upland location.
	G16. Two oil absorbing floating booms, appropriate for the size of the work area, will be available onsite whenever heavy equipment operates within 150 feet of open water and there is a potential for hazardous materials to enter surface waters. The booms will be stored in a location that facilitates immediate deployment in the event of a spill.
	G17. Fueling and servicing of equipment will be confined to an established staging area that is at least 150 feet from open water or wetlands. Spill containment systems must be adequate to contain all fuel leaks.
	G18. Equipment and vehicles will be stored in established staging areas when not in use (excluding cranes, which cannot be easily moved).
	G19. A written spill prevention, control, and countermeasures plan should be prepared for activities that include the use of heavy equipment. The plan should describe measures to prevent or reduce impacts from accidental leaks or spills, and will contain a description of all hazardous materials that will be used, proper storage and handling, and monitoring methods. A spill kit should be available onsite during construction and stored in a location that facilitates immediate deployment if needed.
	G20. If work will be done in or within 25 feet of an existing or previously designated Superfund site or Washington State Model Toxic Control Act (MTCA) site, BMPs established by EPA during CERCLA coordination or Washington State Department of Ecology during MTCA will be followed.
	G21. All activities that may result in sound levels of 92 dBA or more within suitable marbled murrelet nesting habitat, or less than 92 dBA and located within 11 yards of suitable marbled murrelet nesting habitat, will occur outside the breeding period (April 1 to September 15).
	G22. All activities that may result in sound levels of 92 dBA or more within suitable northern spotted owl nesting, roosting, and/or foraging habitat, or less than 92 dBA and located within 20 yards of suitable northern spotted owl nesting, roosting, and/or foraging habitat, will occur outside the early breeding period (March 1 through July 15).
	G23. Projects located within Wahkiakum and Cowlitz Counties, west of Longview and east of Skamokawa, will not alter woodland or tidal spruce forest that are suitable Columbia white-tailed deer habitat and will not enable higher traffic speeds or volumes.
	G24. Projects constructed on islands in the Columbia River between 2 miles east of Cathlamet and 2 miles west of Skamokawa will not occur from June 1 through June 30 to protect Columbia white-tailed deer fawning.
	G25. Projects within 1/4 mile of suitable western snowy plover nesting or foraging habitat will not occur from March 15 through September 30.

	General Conditions (as applicable)
	G26. The project will comply with the <i>General Implementation Conditions</i> for our programmatic consultations (<i>Note</i> : These are located on our website at www.nws.usace.army.mil . Select Regulatory Branch, Permit Information, Forms & Templates).